

FISCAL NOTE

HB 223 – SB 1252

March 12, 2001

SUMMARY OF BILL: Reduces the blood alcohol concentration (BAC) limit from 0.10% to 0.08% at which it is unlawful to operate a motor vehicle. Eliminates the offense of adult driving while impaired.

ESTIMATED FISCAL IMPACT:

Increase State Revenues - Exceeds \$3,000,000/Highway Fund FY01-02
Not Significant/General Fund
Exceeds \$100,000 FY02-03 and subsequent years

Decrease State Revenues - Exceeds \$1,500,000/Alcohol and Drug
Addiction Treatment Fund

Increase State Expenditures - \$651,500
\$450,000/Indigent Defense Fund
\$203,800/Incarceration*

Increase Local Govt. Revenues - Exceeds \$750,000
Increase Local Govt. Expenditures - Exceeds \$500,000**

Other Fiscal Impact - If a law complying with the federal requirement related to the establishment of .08 BAC as the national standard for impaired driving is not enacted by October 1, 2003, the state will be subject to the withholding of federal highway construction funds estimated to be \$7,800,000 in FY03-04, \$15,500,000 in FY04-05, \$23,300,000 in FY05-06, and \$31,000,000 in FY06-07.

Estimate assumes:

- the state would receive Section 163 safety incentive funds from the federal government for use in road construction through FY02-03. If Tennessee is the 22nd state to enact a .08 law, the state's share of these incentive funds is estimated to exceed \$3,000,000 in FY01-02. This amount is estimated to decrease in FY02-03 as more states enact a .08 law and the federal funds available are divided among a greater number of states.
- a not significant increase in state revenues from fees associated with an increased number of arrests for DUI.
- an increase in state revenues from driver license reinstatement fees from DUI license suspensions paid in the second and subsequent years.
- 3,000 additional DUI convictions under the provisions of the bill. This figure is based on the number of convictions for adult driving while impaired in FY99-00.
- a decrease in state revenues from fines collected for adult driving while impaired violations. Under current law, a .08 BAC reading for a first offense is punishable by fine only with revenues earmarked for

the Alcohol and Drug Addiction Treatment Fund. The expenditure of funds currently expended for this program will require a supplemental appropriation to continue the program at the same level or services will be at a reduced level.

- an increase in state expenditures for the equivalent of 7 assistant district attorneys with salary and benefits of \$380,000 to handle the additional DUI cases including 18% of defendants requesting a trial in circuit court.
- 60% of defendants, which represents the statewide average, will be indigent for the purposes of counsel and half of these cases will be handled by public defenders requiring 5 assistant public defenders with salary and benefits of \$271,500. The other half will require appointed counsel for an increase in expenditures to the Indigent Defense Fund of \$450,000. It would be less expensive to add additional public defenders in areas of concentrated population as opposed to appointing counsel. Shelby and Davidson Counties are not part of the statewide public defender system.
- an increase in local government revenues from fines levied and collected under the provisions of the bill. Based on payment of the minimum fine of \$350 for a first offense DUI and a 75% rate of collection, this increase is estimated to exceed \$750,000.
- an increase in local government expenditures for the expense of confining those convicted under the provisions of the bill. Assumes a majority of these convictions will be for first offenses with at least the mandatory minimum 48 hours served. Those convicted of a second offense will serve the mandatory minimum of 45 days and those convicted of a third offense will serve the mandatory minimum 120 days. The average cost to confine an offender is \$44 per day. The increase in expenditures is estimated to exceed \$500,000.
- 4 additional convictions for vehicular homicide by intoxication and 6 additional convictions for vehicular assault. This estimate is based on a 10% increase in the number of persons convicted of vehicular homicide by intoxication, a Class B felony, and the number of persons convicted of vehicular assault, a Class D felony.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

***Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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